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Attorneys for Plaintiff:  
R.G.M.

IN THE UNITED STATES DISTRICT COURT OF GUAM

R.G.M.,

Plaintiff,

vs.

BOY SCOUTS OF AMERICA, a  
congressionally chartered corporation,  
authorized to do business in Guam;  
BOY SCOUTS OF AMERICA ALOHA  
COUNSEL CHAMORRO DISTRICT;  
DOE ENTITIES 1-5; and DOE-  
INDIVIDUALS 6-50, inclusive,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_

VERIFIED COMPLAINT FOR  
DAMAGES FOR:

1. Negligence
2. Negligent Supervision
3. Negligent Hiring and Retention
4. Breach of Fiduciary Duty /  
Confidential Relationship

JURY TRIAL DEMANDED

Plaintiff R.G.M. ("R.G.M.") files this Complaint for damages based on prior sexual abuse (the "Complaint") against Defendants Boy Scouts of America, a congressionally chartered corporation, authorized to do business on Guam, the Boy Scouts of America Aloha Council Chamorro District, and DOES 1-50 ("Defendants").

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.
2. Venue is appropriate because this is the location in which a substantial part of the events or omissions giving rise to the claim occurred.

**II. PARTIES**

3. At all times relevant hereto, R.G.M. has been and is an individual who attended Church at the Barrigada Parish, Guam, during his childhood years. When he was a minor boy, R.G.M. was sexually abused by Louis Brouillard, an ordained priest

1 of the Roman Catholic Archbishop of Agana, and a scoutmaster for the Boy Scouts of  
2 America and its Boy Scouts of America Aloha Council Chamorro District. R.G.M. is  
3 currently 53 years old. Plaintiff R.G.M. is identified throughout this complaint by his  
4 initials in order to protect his privacy.

5       4. At all times relevant hereto, and upon information and belief, Roman  
6 Catholic Archbishop of Agana, a corporation sole, in accordance with the discipline  
7 and government of the Roman Catholic Church, is the legal name for the Archbishop  
8 of Agana, also known as Archdiocese of Agana. ("Agana Archdiocese"), which is and  
9 has been at all time relevant hereto a non-profit corporation organized and existing  
10 under the laws of Guam, authorized to conduct business and conducting business in  
11 Guam, with its principal place of business in Guam. The Agana Archdiocese is an  
12 entity under the control of the Holy See, based in Vatican City, Rome, Italy. The Agana  
13 Archdiocese filed for Chapter 11 Bankruptcy in the Guam District Court in BK Case  
14 No. 19-00010. Plaintiff will pursue his claims against the Agana Archdiocese strictly  
15 within the Bankruptcy proceeding.

16       5. At all times relevant hereto, and upon information and belief, the Boy  
17 Scouts of America ("BSA") was a corporation authorized to do business in Guam, and  
18 to this day, BSA regularly transacts business throughout Guam. At all times relevant  
19 to this complaint, BSA authorized local councils and local organizations to charter,  
20 sponsor, and operate Boy Scout troops throughout Guam, including defendant Boy  
21 Scouts of America Aloha Council Chamorro District ("Aloha Council"). The BSA and  
22 Aloha Council participated in, if not directly controlled, the selections of Scout leaders  
23 and troops, and retained and exercised the ultimate authority to decide who could be  
24 a Scout troop leader. The BSA and Aloha Council also had the right to control the  
25 means and manner of the staffing, operation, and oversight of any Scout troop. In  
26 exchange for the use of BSA's name, programming, and endorsement, the leaders and  
members of the individual Scout troops would pay BSA an annual membership fee.

1 BSA is responsible and liable in whole or in part, directly or indirectly, for the  
2 wrongful acts complained of herein.

3 6. At all times relevant hereto, and upon information and belief, the Aloha  
4 Council, which is and has been a non-profit corporation that regularly conducted  
5 business in Guam, and acted as an agent of BSA under its direction, supervision, and  
6 jurisdiction. Aloha Council is responsible and liable in whole or in part, directly or  
7 indirectly, for the wrongful acts complained of herein.

8 7. The BSA and Aloha Council operate Scouting programs, which invite  
9 and seek out the participation of children. The BSA and Aloha Council, through their  
10 Scout leaders, employees, servants, officers, volunteers, and/or agents, have control  
11 over those activities involving children. BSA has the power to appoint, supervise,  
12 monitor, restrict and fire each person working with children within the Boy Scout  
13 program.

14 8. At all times relevant hereto, Father Louis Brouillard ("Brouillard"), an  
15 individual and an agent of the Agana Archdiocese, was a member of the clergy of the  
16 Agana Archdiocese, and a Catholic priest working for the Agana Archdiocese.  
17 Brouillard was ordained as a Catholic Priest in December 1948, and arrived on Guam  
18 in 1949 where he worked in parishes and schools until 1981. At all times relevant  
19 hereto, Brouillard was also an employee, volunteer, and/or agent of the BSA, who  
20 worked as a scoutmaster and performed duties for the Aloha Council. On or about  
21 October 11, 2018, Brouillard died at the age of 97. If not deceased, Brouillard would  
22 have been individually liable, in whole or in part, directly or indirectly, for the  
23 wrongful acts complained of herein.

24 9. Defendant-entities named herein as DOES 1-5, inclusive, are or at all  
25 times relevant hereto, were insurance companies that provided general liability  
26 coverage and/or excess level liability coverage pursuant to policies issued to the BSA,  
and the Aloha Council. Defendant-individuals named here-in as DOES 6-50, inclusive,

1 and at all times relevant hereto, were agents, employees, representatives and/or  
2 affiliated entities of the BSA, and the Aloha Council, whose true names and capacities  
3 are unknown to R.G.M. who therefore sues such defendants by such fictitious names,  
4 and who will amend the Complaint to show the true names and capacities of each  
5 such DOE defendant when ascertained. DOES 6-50 assisted, aided and abetted and/or  
6 conspired with Brouillard, the BSA, and/or the Aloha Council to conceal, disguise,  
7 cover up, and/or promote the wrongful acts complained of herein. As such, each such  
8 DOE is legally responsible in some manner for the events, happenings, and/or  
9 tortious and unlawful conduct that caused the injuries and damages alleged in this  
10 Complaint.

11 10. Each defendant is the agent, servant and/or employee of other  
12 defendants, and each defendant was acting within the course and scope of his, her or  
13 its authority as an agent, servant and/or employee of the other defendants.  
14 Defendants, and each of them, are individuals, corporations, alter egos and  
15 partnerships of each other and other entities which engaged in, joined in and  
16 conspired with the other wrongdoers in carrying out the tortious and unlawful  
17 activities described in this Complaint; and defendants, each of them, ratified the acts  
18 of the other defendants as described in this Complaint.

### 19 **III. INTRODUCTORY ALLEGATIONS**

#### 20 **A. Culture of Sexually Predatory Behavior**

21 11. Since the inception of the priesthood many centuries ago, becoming a  
22 Catholic priest has required numerous vows to be taken among them a vow of  
23 celibacy, obedience to the laws of both God and society, and a variety of  
24 responsibilities that elevated priests, nuns, and entities that utilized the services of  
25 priests and nuns, to a high status in the community, which induced parents to entrust  
26 their children to the care of priests and likewise induced children to submit to the  
commands and will of priests.

1        12.     The creation of the ritual of altar boy service as a component of the  
2 Catholic mass and other religious services with the Catholic Church, if not originally  
3 conceived as such, ultimately became a tool by which a sexually predatory priest  
4 could gain access to young boys and such access was disguised in the form of  
5 privileged opportunities by which the church invited certain young boys to serve as  
6 altar boys, an opportunity that was viewed as a respectable and distinguished role for  
7 a young boy in the community gave the boy status of wearing liturgical apparel  
8 during church service and working side by side with the priests.

9        13.     Further disguising the scheme to have sexual access to young boys was  
10 the ritual of requiring altar boys to spend the night at the church rectory, ostensibly to  
11 facilitate preparation for the following morning church services. By presenting the  
12 overnight requests in this manner, priests routinely gained the approval of parents;  
13 and often times the sexual abuses occurred during the night in their beds at the  
14 priests' residences. These seemingly routine practices of having altar boys stay  
15 overnight served a predatory priest with a steady supply of victims under the auspices  
16 and pretense of formal church protocol, which allowed the church to continually  
17 operate a veritable harem of young boys who were readily available to pedophiles  
18 who utilized the stature of the church into deceiving the community to regard them as  
19 high-level well intentioned officials.

20        14.     The systematic and ongoing pattern of sexual abuse of young children  
21 was characteristic of an internal society within the Agana Archdiocese and whose  
22 norms were based on pedophilic conduct disguised by the rituals and pageantry of  
23 liturgical services, together with the aura or prestige that was inculcated in the  
24 community and which caused Catholic parishioners to place the highest level of  
25 confidence and trust in the church and its clergy. On information and belief, this  
26 internal society of sexual corruption sustained itself through a conspiratorial  
arrangement between priests and high officials in the Agana Archdiocese whereby

1 they all understood and agreed to remain quiet about each others sexual abuse  
2 misconduct, to tolerate such misconduct, and to withhold information about such  
3 misconduct from third parties including victims' parents or guardians and law  
4 enforcements authorities, in order to protect the offenders and the Agana Archdiocese,  
5 thereby placing their loyalty above their duty to protect the minor children and their  
6 legal responsibilities.

7         15. Although BSA was originally conceived in the early twentieth century  
8 out of a philosophy of good will aimed at promoting the health development of young  
9 boys, the Catholic Church developed and maintained a relationship with the BSA in  
10 Guam by which a pedophilic priest could exploit the opportunity to serve as a  
11 scoutmaster for the specific purpose of having access to young boys. As alleged herein,  
12 and on information and belief, this relationship between the BSA, the Aloha Council  
13 and the Catholic Church resulted in numerous instances of sexual abuse and  
14 molestation which were committed willfully by individual priests and were allowed  
15 to occur due to the gross negligence and recklessness of the Agana Archdiocese, the  
16 BSA, and the Aloha Council, which failed to properly oversee and manage this  
17 relationship between the entities as alleged in more detail herein. On information and  
18 belief, the BSA and the Aloha Council were willing to overlook and ignore the  
19 sexually predatory conduct of a Catholic priest on Guam as part of a symbiotic  
20 relationship between the entities by which the BSA and the Aloha Council gained  
21 monetary revenues through the enrollment of young boys, and priests gained access to  
22 boys to act out sexually abusive and predatory behaviors.

23         16. On information and belief, sexually abusive practices arising out of the  
24 relationship between BSA, the Aloha Council, and the Agana Archdiocese were  
25 another extension of the internal culture of sexual corruption and abuse that  
26 characterized the Agana Archdiocese in Guam.

1           17. On information and belief, these sexually predatory norms were an  
2 integral part of the standards and culture generated by the central authority of the  
3 Roman Catholic Church based in Vatican City, Italy, which closely controlled the  
4 operations of the Agana Archdiocese, and which aided and abetted such sexually  
5 predatory and abusive practices by priests by failing to properly supervise the Agana  
6 Archdiocese to prevent sexual misconduct, and engaging in actions to protect and  
7 shield priests through such policies as transfers to other jurisdictions, maintaining an  
8 internal code of silence, and choosing to remain willfully blind to the ongoing sexual  
9 misconduct committed by Catholic priests.

10           18. These sexually predatory norms were also an integral part of the long-  
11 term relationship between the Agana Archdiocese and the BSA which fostered an  
12 environment conducive to the sexual abuse of young boys on Guam by encouraging  
13 priests to serve as Scout leaders and exploiting the trust placed in the church by the  
14 community of Guam such that parents willingly enrolled their young sons as Boy  
15 Scouts and entrusted them to the priest-scout leaders during scouting events and  
16 overnight outings, while the Agana Archdiocese and the BSA tolerated and remained  
17 negligently blind to the rampant sexual abuse that was perpetuated on an ongoing  
18 basis.

19           **B. The Hiring and Retention of Brouillard**

20           19. Brouillard was born at St. Cloud, Minnesota, on July 27, 1921.

21           20. He attended the St. Paul Seminary in St. Paul, Minnesota, for three years  
22 as a Theology student, but was expelled in 1947 because of his associating too much  
23 with young boys.

24           21. Brouillard became interested in Guam after meeting two Guamanian  
25 students at a Catholic boys school in St. Paul.

26           22. Brouillard offered his services to Bishop Apollinaris Baumgartner on  
Guam. Although Bishop Baumgartner was aware of Brouillard's expulsion from St.

1 Paul Seminary, he nevertheless made arrangements for Brouillard to complete his  
2 preparation for the priesthood at St. Thomas Seminary in Denver, Colorado, and the  
3 Capuchins, through Bishop Baumgartner, paid for his attendance there.

4 23. Brouillard arrived on Guam in 1949, and assumed his role as a priest.

5 24. Bishop Baumgartner was a Capuchin. The Capuchins were primarily  
6 responsible for the administration of the Catholic Church on Guam until  
7 approximately 1970.

8 25. Brouillard was not a Capuchin, but was under the control and direction  
9 of the Capuchins through Bishop Baumgartner, who had hired Brouillard despite his  
10 expulsion from the St. Paul Seminary.

11 26. Bishop Baumgartner assigned Brouillard to various parishes on Guam  
12 over the years. In 1961, Brouillard allowed boys to stay overnight in his rectory in  
13 Mangilao, and was instructed in writing by Bishop Baumgartner to stop that practice.  
14 Brouillard failed to do so, and was again instructed in writing in 1962 by Bishop  
15 Baumgartner to immediately discontinue the custom of allowing boys to live in his  
16 rectory. Brouillard, however, again failed to comply with this instruction.

17 27. Brouillard had multiple discussions with Bishop Baumgartner and other  
18 priests over the years regarding Brouillard's problems with sexually abusing children.  
19 Bishop Baumgartner told Brouillard to try to do better and say prayers in penance.

20 28. During the period of July, 2016, through September, 2016, Brouillard met  
21 on several occasions with an investigator retained by other claimants counsel, in the  
22 course of which Brouillard made several admissions regarding his past sexual abuse of  
23 minor boys while serving in both his capacities as a priest and as a scoutmaster in  
24 Guam.

25 29. As a follow up to the meetings with the investigator, on or about October  
26 03, 2016, Brouillard signed a statement admitting to sexually abusing at least twenty  
(20) boys. A true and accurate copy of Brouillard's statement is attached hereto as



1 Exhibit "1". While the statement contains admissions, it also contains remarks that  
2 seek to minimize the misconduct as reflected in the excerpts below:

- 3 a) "My name is Father Louis Brouillard. I am a retired Roman Catholic  
4 priest. ...I served the diocese of Guam in the 1940s through 1970s and  
5 held many positions in the church."
- 6 b) "Looking back now, I realize that I crossed the line with some of my  
7 actions and relationship with the boys."
- 8 c) "During some of the sex education talks, while at Santa Teresita, I did  
9 touch the penises of some of the boys and some of the boys did  
10 perform oral sex on me. Some of the incidents took place in Mangilao  
11 at the rectory of the Santa Teresita Church. Because of the many years  
12 that have passed, I do not remember the exact dates and times or the  
13 names of the boys involved. There may have been 20 or more boys  
14 involved. Other locations where the sexual contact may have  
15 happened would be at San Vicente and Father Duenas Memorial  
16 Schools."
- 17 d) "At that time, I did believe that the boys enjoyed the sexual contact  
18 and I also had self gratification as well."
- 19 e) "I have come to learn the name of one of the boys I had sexual contact  
20 with at the Santa Teresita rectory. His name is Leo Tudela. ... I  
21 apologize to you Leo and the rest of the boys that I may have  
22 harmed. I regret with all my heart any wrong I did to them. I pray for  
23 all the boys I may have harmed and ask for their forgiveness from  
24 God."
- 25 f) "While in Guam my actions were discussed and confessed to area  
26 priests as well as Bishop Apollinaris Baumgartner who had  
approached me to talk about the situation. I was told to try to do  
better and say prayers as a penance."
- g) "I believe the Catholic Church should be honest and truthful  
regarding what happened on Guam during my time there."

30. Despite extensive knowledge of Brouillard's sexual abuse of children, the  
Capuchins through Bishop Baumgartner failed to take any action to discipline,

1 reprimand or to remove Brouillard from Guam or to otherwise protect the Chamorro  
2 children on Guam from abuse that was highly foreseeable to continue.

3 31. After the primary responsibility for the administration of the Catholic  
4 Church on Guam passed from the Capuchins to the Agana Archdiocese in  
5 approximately 1970, Brouillard continued his known clerical sexual abuse of children.

6 32. In 1970, Bishop Baumgartner passed away, and he was replaced by a  
7 diocesan (Non-Capuchin) priest, Felixberto C. Flores, who was named Bishop of  
8 Agana ("Bishop Flores").

9 33. Brouillard also had many discussions with Bishop Flores regarding his  
10 abuse, including one or more occasions when complaints had been made to legal  
11 authorities regarding Brouillard's abuse of children.

12 34. Despite such knowledge, Bishop Flores did not remove Brouillard from  
13 Guam until April 2, 1981, in order to allow Brouillard to avoid arrest and criminal  
14 prosecution for his clerical sexual abuse of children.

15 **C. Sexual Abuse Inflicted on Plaintiff R.G.M.**

16 35. In or around 1977-1978, when R.G.M. was the age of eleven (11) through  
17 twelve (12), he was sexually abused on a Boy Scout outing. R.G.M. was an altar boy at  
18 the Barrigada San Vicente Catholic Church. He was also a Boy Scout at Barrigada  
19 during that same period of time. During this time, Brouillard was a priest, and he was  
20 an employee, volunteer, and/or agent of the BSA. Brouillard worked as a scoutmaster  
21 and performed duties for the Aloha Council.

22 36. The BSA has maintained that no boy can grow into the best kind of  
23 citizenship without recognizing his obligation to God. The first part of the Scout Oath is:  
24 "On my honor to do my best to do my duty to God" and the 12<sup>th</sup> point of the Scout Law  
25 is "A Scout is reverent." The BSA and Aloha Council encouraged its members to be  
26 faithful in their religious duties and to serve the church, and as a result the Boy Scout  
activities that R.G.M. participated in revolved around the church.

1           37.     Brouillard engaged in sexually predatory practices as a scoutmaster for  
2 the BSA and the Aloha Council, when he conducted regular BSA outings. R.G.M. was  
3 aspiring to join the Boy Scouts during Brouillard's time as a Boy Scout leader. R.G.M.  
4 went on two BSA outings to the Lonfit River. R.G.M. understood from the other boys  
5 that if the Boy Scouts removed their clothes and swam naked, that in exchange they  
6 would receive free fast food, which R.G.M. in fact did at McDonald's.

7           38.     On one of the BSA outings to the Lonfit River, R.G.M. was sexually  
8 abused by Brouillard. This occurred on one occasion while R.G.M. swam naked and  
9 Brouillard fondled and groped his genitals. Brouillard falsely claimed he was teaching  
10 R.G.M. how to swim. This event was shocking to R.G.M. and because of this, he  
11 stopped being an altar boy and he also lost interest in joining the BSA.

12           39.     Upon information and belief, other priests and representatives of the  
13 Agana Archdiocese, including Bishop Apollinaris Baumgartner, Bishop Felixberto C.  
14 Flores, Archbishop Anthony S. Apuron, Monsignor Zoilo Camacho, now-deceased  
15 Father Antonio C. Cruz, and individuals named herein as DOE defendants, were aware  
16 of the sexual abuse committed by Brouillard and deliberately remained quiet and  
17 withheld such information from third parties including victim's parents or guardians  
18 and law enforcement authorities, in order to protect Brouillard and the Agana  
19 Archdiocese, thereby placing their loyalty to the church above their duty to protect the  
20 minor children and their legal responsibilities.

21           40.     Upon information and belief, the BSA and the Aloha Council knew of, or  
22 should have known, that Brouillard was a sexual predator of young boys before he  
23 sexually abused R.G.M. because Brouillard had been committing acts of sexual  
24 molestation as a Boy Scout leader for approximately at least two and one-half decades  
25 prior to sexually abusing R.G.M. It was well-known for years that Brouillard used his  
26 positions as a scoutmaster to take boys swimming in the nude and to sexually abuse  
Scout campers during overnight and day trips.

1           41.     On at least one occasion, a BSA executive on Guam named John Seigal  
2 confronted Brouillard with stories that he had sexual activities with boys at scout camp.  
3 Brouillard agreed to stop sexual activities with boys, but failed to do so. No action was  
4 taken by the BSA against Brouillard.

5           42.     BSA has had a long history of sexual molestation and abuse of young boys  
6 that has been documented extensively both in the media and through numerous civil  
7 and criminal litigations throughout the United States. There have been numerous Scout  
8 leaders that have been sentenced in criminal prosecution for acts of sexual molestation  
9 of minor boys. As a general reference the following Internet links can be viewed online:

10           [https://en.wikipedia.org/wiki/Boy\\_Scouts\\_of\\_America](https://en.wikipedia.org/wiki/Boy_Scouts_of_America)

11           [https://en.wikipedia.org/wiki/Boy\\_Scouts\\_of\\_America\\_sex\\_abuse\\_cases](https://en.wikipedia.org/wiki/Boy_Scouts_of_America_sex_abuse_cases)

12           <https://www.theguardian.com/world/2010/apr/29/boy-scouts-sexual-abuse-dykes>

13           <http://www.thenationaltriallawyers.org/2015/03/boy-scout-abuse/>

14           <http://www.reuters.com/article/us-usa-boyscouts-abuse-idUSBRE89H0ZF20121018>

15           43.     Upon information and belief, the BSA and Aloha Council were notified  
16 regarding Brouillard's acts of sexual molestation. The BSA and Aloha Council had  
17 known since the early 1920's that men like Brouillard were using their positions as  
18 scoutmasters to groom and sexually abuse Boy Scouts.

19           44.     Founded in 1910, the BSA is one of the largest youth organizations in the  
20 United States with millions of members. Throughout the BSA's history, it has  
21 consistently held itself out to the public as a "moral and safe" environment for boys to  
22 participate in healthy outdoors activities and to be given proper guidance and  
23 instructions. Millions of parents and Scouts have placed their trust in the BSA. An  
24 estimated 20% of American boys have had contact with Scouting either as members or  
25 by attending Boy Scout activities.

26           45.     Upon information and belief, shortly after its inception, the BSA became  
aware that a significant number of its adult Scout leaders, employees, servants, officers,

1 volunteers, and/or agents were using their position of trust and authority to  
2 manipulate and sexually abuse young boys participating in the BSA's Scouting  
3 program.

4 46. Surprisingly, the BSA still continued to promote the safety,  
5 trustworthiness, and wholesomeness of its program, even though it has been secretly  
6 removing scoutmasters for child sexual abuse at an alarming rate since the 1920s. Its  
7 own records demonstrate that the BSA has long-known yet concealed from its  
8 members, Scouts, and Scouts parents that Scouting attracts pedophiles in large numbers  
9 and that Scouts, far from being safe, are at heightened risks of sexual abuse by child  
10 molesters. The BSA misrepresented to members, Scouts and Scouts parents that the  
11 Scouts were safe in Scouting programs.

12 47. Beginning in the 1920s, the BSA created and maintained a highly  
13 confidential file system that is often referred to as the "Ineligible Volunteer" files. The  
14 purpose of the Ineligible Volunteer files was to identify Scout leaders, employees,  
15 servants, officers, and volunteers, and/or agents of the BSA who were considered  
16 "ineligible" to hold positions as a Scout leader, who posed a danger to children because  
17 of a variety of moral offenses and who were declared unfit to volunteer. One of those  
18 moral offenses was "perversion" with children. The most common reason for Scout  
19 leaders, employees, servants, officers, volunteers, and/or agents of the BSA to be placed  
20 in the Ineligible Volunteer files has been allegations of sexual abuse of boys. The  
21 majority of the cases on file are perversion cases, and the BSA has referred to the subset  
22 of Ineligible Volunteer files as the "Perversion Files".

23 48. Upon information and belief, between 1965 and 1985, at least 1,200  
24 "perversion" files were created for Scout leaders, employees, servants, officers,  
25 volunteers, and/or agents of the BSA who had molested one or more children. There  
26 was an average of more than one new child molester a week, and many of these  
volunteers molested multiple Scouts and other boys. The BSA knew that not all

1 molesters in Scouting were caught each year, particularly because some of the molesters  
2 were shown to have abused Scouts and other boys for several years before detection.

3 49. The BSA went to significant lengths to keep the existence of their  
4 Perversion File system and the problem of pedophiles Scout leaders a secret from its  
5 members, Scouts, and Scout families. Upon information and belief, local councils, like  
6 the Aloha Council, were instructed, and agreed, not to keep Perversion Files at their  
7 offices, but rather to send everything to the BSA National Office. This was a material  
8 risk that was unique to the Boy Scout program and was not something that R.G.M.,  
9 R.G.M.'s parents/or guardians, or the general populations knew existed.

10 50. At some point in or about 1971, the Aloha Council was aware or should  
11 have been aware that scoutmasters within the Aloha Council posed a danger of sexually  
12 abusing Boy Scouts. The Aloha Council gained this knowledge through reports of  
13 sexual abuse by scoutmasters operating within the Aloha Council's geographic  
14 boundaries.

15 51. For example, on information and belief, in or about 1971 or 1972, the  
16 Chamorro Council Scout Executive, Roger D. Pelz, reported that the assistant  
17 scoutmaster of Troop 32, David Joseph Ellington, initiated sexual contact with two  
18 minor boys at the U.S. Coast Guard Naval Station in Guam. Mr. Ellington subsequently  
19 left the area and relocated to Phoenix, Arizona, where he attempted to re-enroll in the  
20 BSA as a Scout leader, employee, servant, officer, volunteer, and/or agent.

21 52. Despite knowing that more than a thousand men like Mr. Ellington had  
22 used their positions in the BSA to groom and to sexually abuse children, the BSA and  
23 Aloha Council never warned R.G.M., R.G.M.'s parents/or guardians, or other children  
24 about danger of sexual abuse in Scouting.

25 53. Prior to the sexual molestation and abuse of R.G.M., BSA knew or should  
26 have known that its Ineligible Volunteer Files and Perversion Files system did not  
function as it was intended, was flawed, and in many cases was ineffective to address

1 the sustained problem of sexual abuse of young boys by Scout leaders, employees,  
2 servants, officers, volunteers, and/or agents of the BSA. Despite that knowledge, the  
3 BSA did nothing to educate its members, Scouts and Scouts parents of the  
4 ineffectiveness of the screening and tracking system and process. The BSA did nothing  
5 to educate or inform members, Scouts and Scouts parents of the enormity of the  
6 pedophile problem, nor did the BSA take action to correct its screening and/or  
7 education system.

8         54. Instead, the BSA and its local councils, including the Aloha Council, on  
9 information and belief, intentionally and actively concealed the continuous and  
10 systematic danger of sexual abuse of boys in their programs by Scout leaders. The BSA  
11 and the Aloha Council also actively promoted and represented to the public that their  
12 Scouting programs were safe and wholesome and that their Scout leaders were safe and  
13 trustworthy.

14         55. The BSA and the Aloha Council knew that Scouting, a closed system over  
15 which the Boys Scouts held exclusive control related to participation and access, was  
16 and still continues to be used by child molesters to gain access to and the trust of Scouts,  
17 other boys, their families and the community. The BSA and the Aloha Council knew  
18 that the majority of boys who were abused occurred during one-on-one situations, and  
19 that R.G.M., R.G.M.'s parents and/or guardians and the families of other Boy Scouts  
20 would consider this to be a material risk. Nevertheless, the BSA and the Aloha Council  
21 did nothing to warn R.G.M., R.G.M.'s parents/or guardians or any of the other Boy  
22 Scouts or their parents and/or guardians of the risks of molestation by Scout leaders,  
23 employees, servants, officers, volunteers, and/or agents of BSA, and the BSA did  
24 nothing to change the Boy Scout program prior to the representations and omission  
25 they made to R.G.M., R.G.M.'s parents and/or guardians, or any of the other Boy  
26 Scouts or their parents and/or guardians regarding Brouillard. Instead, the BSA  
continued to make the same representations and omission to R.G.M., R.G.M.'s parents

1 and/or guardians, or any of the other Boy Scouts or their parents and/or guardians,  
2 knowing they were false and knowing they were being relied upon by them.

3 56. The BSA and the Aloha Council made these representations and  
4 omissions with the intent of inducing R.G.M., R.G.M.'s parents and/or guardians, or  
5 any of the other Boy Scouts or their parents and/or guardians, to rely on these  
6 representations and omissions so they would continue to trust the BSA, Aloha Council,  
7 and Brouillard and continue to pay to participate in Scouting.

8 57. The BSA and the Aloha Council knew that if they revealed the truth, their  
9 revenues would sharply decrease, they would lose their prestige and reputation as a  
10 "safe program for boys", and they would likely face liability for the thousand of boys  
11 who had already been sexually abused by Scout leaders, employees, servants, officers,  
12 volunteers, and/or agents of the BSA.

13 58. For example, upon information and belief, on or about December 4, 1972,  
14 BSA's Executive Director of Registration and Subscription Services, Paul I. Ernst  
15 ("Ernst"), sent a "personal and confidential" letter from the BSA's national  
16 headquarters to "all Scout executives" with the subject "Maintaining Standards of  
17 Leadership." In the letter, Ernst informed his Scout executives that he was enclosing  
18 guidelines that were "carefully developed" by the BSA, but "because of the  
19 misunderstandings which could develop if it were widely distributed", he instructed  
20 them to avoid sharing it "beyond the top management of your council". The  
21 memorandum outlined the manner in which local councils should report accusations,  
22 however urges that the policy be kept confidential, advised the BSA staff to tell unfit  
23 leaders that their actions would not be reported to anyone including law enforcement,  
24 and stated that in some instances, the BSA was even willing to re-admit leaders whose  
25 names have been included in the confidential files.

26 59. Upon information and belief, in another letter from Ernst to a local council  
executive, dated on or about December 15, 1981, regarding a reported sexual predator



1 Ernst wrote, "We have always asked that all the records in this type of situation be kept  
2 in the national office and not in the local council office because of the embarrassment  
3 that could be incurred if the wrong individuals would read the file."

4 60. The BSA's existing policies and procedures were not working to protect  
5 the boys from being sexually abused by Scout leaders, employees, servants, officers,  
6 volunteers, and/or agents of the BSA. Despite knowing that their policies were  
7 insufficient, the BSA and the Aloha Council did nothing to warn R.G.M., R.G.M.'s  
8 parents and/or guardians, or any of the other Boy Scouts or their parents and/or  
9 guardians of that danger. Instead, they kept representing that the BSA program was  
10 completely safe and its Scout leaders, employees, servants, officers, volunteers, and/or  
11 agents were completely safe. Although the BSA eventually changed its policies and  
12 procedure, it only did so after it was too late to protect R.G.M.

13 61. In or about 2012, the BSA was forced by court order to release over 20,000  
14 pages of documentation on about 1,200 alleged child sex abuse cases within the  
15 organization, covering the time period from approximately 1965 to 1985.

16 62. On information and belief, the BSA and the Aloha Council continues to  
17 make false and misleading public statements regarding the risks of sexual abuse in  
18 Scouting; continues to minimize and downplay the harm of sexual abuse to children in  
19 Scouting; failed to reach out to provide support and assistance to boys it knows were  
20 sexually abused by adult Scout leaders; continues to deny the truth about its historical  
21 knowledge of the nature and extent of sexual abuse of scouts by adult Scout leaders;  
22 and fails and refuses to take responsibility for their gross negligence for hiring,  
23 retaining, or engaging the services of pedophiles.

24 63. At all times relevant hereto, Brouillard sexually abused R.G.M. when  
25 R.G.M. was a minor and committed such acts while serving as a priest in the Barrigada  
26 Parish, in both of his capacities as an agent and employee of the Agana Archdiocese,

1 and/or while working as a scoutmaster for the BSA and the Aloha Council, which are  
2 vicariously liable for his actions.

3         64. The BSA, the Aloha Council, and DOES 1-50, inclusive, knew or should  
4 have known, that Brouillard had sexually abused R.G.M. and rather than reporting the  
5 matter to law enforcement and without intervening so as to prevent Brouillard from  
6 engaging in additional instances of sexual abuse, and without seeking to have  
7 Brouillard acknowledge and take responsibility for his wrongful actions, they assisted  
8 Brouillard with the specific purpose or design to keep Brouillard's misconduct hidden  
9 and secret; to hinder or prevent Brouillard's apprehension and prosecution; and to  
10 protect the BSA, Aloha Council, Agana Archdiocese, as well as the Roman Catholic  
11 church as an international institution. Such tactics included paying Brouillard a  
12 monthly stipend for many years up until his death, despite being inactive as a priest.

13         65. To this day, the BSA, the Aloha Council, DOES 1-50 never contacted  
14 R.G.M., R.G.M.'s family, or children they know Brouillard had sexual contact with. The  
15 BSA, the Aloha Council, and DOES 1-50 have been content with the situation that any  
16 other children that were sexually abused by Brouillard while he was serving as a priest  
17 and/or scoutmaster, will remain affected by guilt, shame and emotional distress.

18         66. Despite the prolonged and egregious sexual abuse, spanning a period of  
19 several decades, neither the BSA, the Aloha Council, the Agana Archdiocese, nor the  
20 Roman Catholic Church ever formally disciplined Brouillard.

21         67. In fact, the Agana Archdiocese has paid and continued to pay up through  
22 Brouillard's death, sums of money to Brouillard on a regular basis, ostensibly under the  
23 guise of a retirement stipend. Brouillard's name was included on a list released by the  
24 Duluth diocese in December, 2013, of priests who had been credibly accused of sexual  
25 abuse of young persons while serving in the diocese.

26         68. The criminal offense of Child Abuse is defined in 9 GCA § 31.30, which  
states in pertinent part as follows:

1 a) A person is guilty of child abuse when:

- 2 1) He subjects a child to cruel mistreatment; or  
3 2) Having a child in his care or custody or under his control, he:

4 (B) subjects that child to cruel mistreatment; or

5 (C) unreasonably causes or permits the physical or, emotional  
6 health of that child to be endangered

69. Under 19 GCA § 13101, the following relevant definitions are provided:

7 b) Abused or neglected child means a child whose physical or mental  
8 health or welfare is harmed or threatened with harm by the acts or  
9 omissions of the person(s) responsible for the child's welfare;

10 d) Child means a person under the age of 18 years;

11 t) Harm to a child's physical health or welfare occurs in a case where there  
12 exists evidence of injury, including but not limited to:

13 (2) Any case where the child has been the victim of a sexual offense as  
14 defined in the Criminal and Correctional Code; or

15 (3) Any case where there exists injury to the psychological capacity of a  
16 child such as failure to thrive, extreme mental distress, or gross  
17 emotional or verbal degradation as is evidenced by an observable and  
18 substantial impairment in the child's ability to function within a normal  
19 range of performance with due regard to the child's culture(.)

70. Under 9 GCA § 25A201, "sexual conduct" with a minor is defined as follows:

20 (o) Sexual Conduct means acts of sexual penetration, sexual contact,  
21 masturbation, bestiality, deviate sexual intercourse, sadomasochistic abuse,  
22 or lascivious exhibition of the genital or public area of a minor.

23 71. Under 9 GCA § 25.10(8), "sexual contact" is defined as follows:

24 (8) Sexual Contact includes the intentional touching of a victim's or actor's  
25 intimate parts of the intentional touching of the clothing covering the  
26 immediate area of the victim's or actor's intimate parts, if that intentional  
touching can reasonably be construed as being for the purpose of sexual  
arousal or gratification.

1  
2 72. Under 9 GCA § 28.65, the crime of Indecent Exposure is set forth in pertinent  
3 part as follows:

4 (a) A person is guilty of criminal sexual conduct in the second degree if the  
5 person engages in sexual contact with another person and if any of the  
6 following circumstances exists:

7 (1) that other person is under fourteen (14) years of age;

8 (2) that other person is at least fourteen (14) but less than sixteen (16)  
9 years of age and the actor is a member of the same household as the  
10 victim, or is related by blood or affinity to the fourth degree to the victim,  
11 or is in a position of authority over the victim and the actor used this  
12 authority to coerce the victim to submit.

13 73. Under 9 GCA § 28.65, the crime of Indecent Exposure is set forth in pertinent  
14 part as follows:

15 A person is guilty of indecent exposure if he exposes his genitals or  
16 performs any other lewd act under circumstances in which his conduct is  
17 likely to be observed by any person who would be offended or alarmed.

18 74. Under 19 GCA § 13201(b), the following are required to report child abuse:

19 (b) Persons required to report suspected child abuse under Subsection (a)  
20 include, but are not limited to, ... clergy member of any religious faith, or  
21 other similar functionary or employee of any church, place of worship, or  
22 other religious organization whose primary duties consist of teaching,  
23 spreading the faith, church governance, supervision of a religious order, or  
24 supervision or participation in religious ritual and worship, ...

#### 25 IV. FIRST CAUSE OF ACTION

#### 26 Child Sexual Abuse [Against Defendants the BSA, Aloha Council, and DOES 1-50]

75. Plaintiff re-alleges and incorporates by reference paragraphs 1 through  
74 of this Complaint as if fully set forth herein.

1           76. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively  
2 “Defendants” as alleged in this cause of action) are vicariously liable for the sexual  
3 abuse committed upon R.G.M. by Brouillard. Public policy dictates that Defendants  
4 should be held responsible for Brouillard’s wrongful conduct under the theory  
5 commonly referred to as *Respondeat Superior*.

6           77. For the reasons set forth in the incorporated paragraphs of this  
7 Complaint, the sexual abuse of R.G.M. arose from and was incidental to Brouillard’s  
8 employment with, or service on behalf of the Agana Archdiocese, the BSA, and the  
9 Aloha Council, and while Brouillard was acting within the scope of his employment  
10 with the Agana Archdiocese and service on behalf of the BSA or its Aloha Council, at  
11 the time he committed the acts of sexual abuse, which were foreseeable to Defendants.

12           78. Defendants, on information and belief, ratified and/or approved of  
13 Brouillard’s sexual abuse by failing to adequately investigate, discharge, discipline  
14 and/or supervise Brouillard and other priests, Scout leaders, employees, servants,  
15 officers, volunteers, and/or agents known by Defendants to have sexually abused  
16 children, or to have been accused of sexually abusing children; by concealing evidence  
17 of Brouillard’s sexual abuse both as a priest and as a scoutmaster; failing to intervene  
18 to prevent ongoing and/or further sexual abuse; by failing to report the sexual abuse  
19 as required under 19 GCA § 13201(b); by allowing Brouillard for decades to continue  
20 in service as a Catholic priest working for the Agana Archdiocese and as a scoutmaster  
21 for the BSA and its Aloha Council.

22           79. Despite the pretense of policies and procedures to investigate and  
23 address instances of child sexual abuse by priests working for the Agana Archdiocese,  
24 and serving as Scout leaders on behalf of the BSA and the Aloha Council, as well as  
25 their employees, servants, officers, volunteers, and/or agents. Defendants, on  
26 information and belief, implemented such policies and procedures for the purpose of  
avoiding scandal, to maintain secrecy and to preserve loyalty to fellow clergy of the

1 Agana Archdiocese, and to serve as Scout leaders on behalf of the BSA and the Aloha  
2 Council, as well as their employees, servants, officers volunteers, and/or agents,  
3 including child molesting clergy working for the Agana Archdiocese, and serving as  
4 Scout leaders on behalf of the BSA and the Aloha Council, rather than the protection of  
5 children. Such hypocritical conduct by Defendants has served to systematically  
6 encourage, perpetuate and promote sexually abusive conduct by priests both in their  
7 role as clergy for the Agana Archdiocese, and as Scout leaders for the BSA and the  
8 Aloha Council.

9 80. The Agana Archdiocese either had actual knowledge of Brouillard's  
10 sexual abuse of numerous other minors whom Brouillard victimized, or could have, or  
11 should have, reasonably foreseen that Brouillard was committing and would commit  
12 sexual abuse of other minors. Such knowledge included direct awareness by former  
13 Agana Archbishop Apollinaris Baumgartner, as reflected in the following excerpt from  
14 Brouillard's statement attached hereto as Exhibit "1":

15 "While in Guam my actions were discussed and confessed to  
16 area priests as well as Bishop Apollinaris Baumgartner who  
17 had approached me to talk about the situation. I was told to  
try to do better and say prayers as a penance."

18 81. Defendants BSA and its Aloha Council either had actual knowledge of  
19 Brouillard's sexual abuse of numerous other minors whom Brouillard victimized, or  
20 could have, or should have, reasonably foreseen that Brouillard was committing and  
21 would commit sexual abuse of other minors. To date the BSA has acknowledged that  
22 Brouillard victimized minor boys while serving as a scoutmaster, as reflected in the  
23 excerpts taken from an interview with Jeff Sulzbach, the chief executive officer of the  
24 Boy Scouts of America Aloha Council on March 5, 2017, attached hereto as Exhibit "2":

25 "Upon learning of the reports, we took immediate action to  
26 preclude individual (Brouillard) from any further  
participation in the scouting program." Though Sulzbach

1           could not say when exactly the Boy Scouts became aware of  
2           the reports of Brouillard's sexual abuse of children on Guam,  
3           he said it was possible that the organization did not take  
          action against the priest until sometime after the 1970s."

4           82.    As a direct and proximate result of the Defendants' above - described  
5           conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body,  
6           shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,  
7           and loss of enjoyment of life.

8           83.    By engaging in the conduct described herein, Defendants acted with  
9           malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive  
10          damages.

## 11                           V. SECOND CAUSE OF ACTION

### 12                           Negligence [Against All Defendants]

13          84.    Plaintiff re-alleges and incorporates by reference paragraphs 1 through  
14          83 of this Complaint as if fully set forth herein.

15          85.    Defendants the BSA, Aloha Council, and DOES 1-50 (collectively  
16          "Defendants" as alleged in this cause of action) had a duty to protect R.G.M. when he  
17          was entrusted to Brouillard's care by R.G.M.'s parents. R.G.M.'s care, welfare, and/or  
18          physical custody were temporarily entrusted to Defendants, and Defendants accepted  
19          the entrusted care of R.G.M. As such, Defendants owed to R.G.M., as a child at the  
20          time, a special duty of care, in addition to a duty of ordinary care, and owed to R.G.M.  
21          the higher duty of care that adults dealings with children owe to protect them from  
22          harm.

23          86.    By virtue of this unique authority and position as a Roman Catholic  
24          priest and/or a scoutmaster, on information and belief, Brouillard was able to identify  
25          vulnerable victims and their families upon which he could perform such sexual abuse;  
26          to manipulate his authority to procure compliance with his sexual demands from his  
          victims; to induce the victims to continue to allow the abuse; and to coerce them not to

1 report it to any other persons or authorities. As a priest and as a scoutmaster,  
2 Brouillard had unique access to a position of authority within Roman Catholic families  
3 and/or families that were actively involved in activities sponsored by the BSA and its  
4 Aloha Council, like the family of R.G.M. such access, authority and reverence was  
5 known to the Defendants and encouraged by them.

6 87. Defendants, by and through their agents, servants and employees, knew  
7 or reasonably should have known, of Brouillard's sexually abusive and exploitative  
8 propensities and/or that Brouillard was an unfit agent. If was foreseeable that if  
9 Defendants did not adequately exercise or provide the duty of care owed to children  
10 in their care, including but not limited to R.G.M., the children entrusted to Defendants'  
11 care would be vulnerable to sexual abuse by Brouillard.

12 88. Defendants breached their duty of care to the minor R.G.M. by allowing  
13 Brouillard to come into contact with R.G.M. as a child without supervision; by failing  
14 to adequately supervise, or negligently retaining Brouillard whom they permitted and  
15 enabled to have access to R.G.M.; by failing to properly investigate; by failing to  
16 inform, or concealing from R.G.M.'s parents, guardians, or law enforcement officials  
17 that Brouillard was or may have been sexually abusing minors; by holding out  
18 Brouillard to R.G.M.'s parents or guardians, and to the community of Guam at large,  
19 as being in good standing and trustworthy as a person of stature and integrity.  
20 Defendants cloaked within the façade of normalcy Brouillard's contact with R.G.M.  
21 and/or with other minors who were victims of Brouillard, and deliberately concealed  
22 and disguised the sexual abuse committed by Brouillard.

23 89. As a direct and proximate result of the Defendants' above - described  
24 conduct, R.G.M. has suffered, and continues to suffer, great pain or mind and body,  
25 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,  
26 and loss of enjoyment of life.



1       90. By engaging in the conduct described herein, Defendants acted with  
2 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive  
3 damages.

4                                   **VI. THIRD CAUSE OF ACTION**

5   **Negligent Supervision**

6   **[Against Defendants the BSA, the Aloha Council, and DOES 1-50]**

7       91. Plaintiff re-alleges and incorporates by reference pages 1 through 90 of  
8 this Complaint as if fully set forth herein.

9       92. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively  
10 "Defendants" as alleged in this cause of action) had a duty to provide reasonable  
11 supervision of both Brouillard and the minor child, R.G.M.; to use reasonable care in  
12 investigating Brouillard; and to provide adequate warning to R.G.M.'s family, and to  
13 families of other children who were entrusted to Brouillard, of Brouillard's sexually  
14 abusive and exploitative propensities and unfitness.

15       93. Defendants, by and through their agents, servants and employees, knew  
16 or reasonably should have known of Brouillard's sexually abusive and exploitative  
17 propensities and/or that Brouillard was an unfit agent. Despite such knowledge,  
18 Defendants negligently failed to supervise Brouillard in his position of trust and  
19 authority as a parish priest and/or scoutmaster, where he was able to commit the  
20 wrongful acts against R.G.M. alleged herein. Defendants failed to provide reasonable  
21 supervision of Brouillard, failed to use reasonable care in investigating Brouillard, and  
22 failed to provide adequate warning to R.G.M.'s family regarding Brouillard's sexually  
23 abusive and exploitative propensities and unfitness. Defendants further failed to take  
24 reasonable measures to prevent future sexual abuse.

25       94. As a direct and proximate result of the Defendants' above - described  
26 conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body,

1 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,  
2 and loss of enjoyment of life.

3 95. By engaging in the conduct described herein, Defendants acted with  
4 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive damages.

5 **VII. FOURTH CAUSE OF ACTION**

6 **Negligent Hiring and Retention**

7 **[Against Defendants the BSA, Aloha Council, and DOES 1-50]**

8 96. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 95  
9 of this Complaint as if fully set forth herein.

10 97. Defendants the BSA, Aloha Council, and DOES 1-50 (collectively  
11 "Defendants" as alleged in this cause of action) had a duty not to hire, retain, or engage  
12 the services of Brouillard in light of his sexually abusive and exploitative propensities.

13 98. Defendants, by and through their agents, servants and employees knew,  
14 or reasonably should have known, of Brouillard's sexually abusive and exploitative  
15 propensities and/or that Brouillard was an unfit agent. Despite such knowledge and/or  
16 opportunity to learn of Brouillard's misconduct, Defendants negligently hired, retained,  
17 or engaged the services of Brouillard in his position of trust and authority as a parish  
18 priest and scoutmaster, where he was able to commit the wrongful acts against R.G.M.  
19 alleged herein. Defendants failed to properly evaluate Brouillard in advance by failing  
20 to conduct necessary screening; failed to properly evaluate Brouillard's conduct and  
21 performance as an employee of, or provider of services to the Defendants; and failed to  
22 exercise the due diligence incumbent upon employers to investigate employee  
23 misconduct, or to take appropriate disciplinary action, including immediate termination  
24 and reporting and referral of Brouillard's sexual abuse to appropriate authorities.  
25 Defendants negligently continued to retain Brouillard in his service as a Catholic priest  
26 and scoutmaster, working or providing services for Defendants, which enabled him to  
continue engaging in the sexually abusive and predatory behavior described herein.

99. As a direct and proximate result of the Defendants' above - described conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life.

100. By engaging in the conduct described herein, Defendants acted with malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive damages.

## VIII. FIFTH CAUSE OF ACTION

**Breach of Fiduciary Duty And/Or Confidential Relationship  
[Against All Defendants]**

101. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 107 of this Complaint as if fully set forth herein.

102. By holding Brouillard out as a safe, trustworthy and highly ethical scoutmaster with integrity, Defendants BSA, Aloha Council and DOES 1–50, together with Brouillard himself, invited, counseled, encouraged and induced the community of Guam, including parents or guardians of children to join the Boy Scouts; and particularly as to parents or guardians of children who were already paid members of the BSA and Aloha Council, to have trust and confidence in the BSA, the Aloha Council and its Scout leaders, employees, servants, officers, volunteers, and/or agents, and to entrust their children to the company of scoutmasters and specifically to Brouillard, including allowing their children to be alone with Brouillard without supervision, and to camp out over night at BSA and Aloha Council activities. Defendants BSA, and Aloha Council actively exploited the reputation of the Catholic Church for the purpose of encouraging membership of the Boy Scouts, thereby facilitating the availability of minor boys to a pedophilic priest. In this way, Defendants BSA, and Aloha Council, maintained a symbiotic relationship by which each recruited minors for sexual pleasures. Through such actions, Defendants collectively created and entered into a fiduciary and/or confidential relationship with its members, including parents or

1 guardians and their children, and in particular, children who were members of the BSA  
2 and the Aloha Council. Accordingly, Defendants collectively created and entered into a  
3 fiduciary and/or confidential relationship specifically with the minor child R.G.M.

4 103. Through such fiduciary and/or confidential relationship, Defendants  
5 collectively caused parents or guardians to entrust their children to members of the  
6 Agana Archdiocese, serving both in their role as priests and scoutmasters, and  
7 specifically entrusted their children to Brouillard, including the parents of R.G.M.,  
8 which resulted in R.G.M. serving as an altar boy and joining and becoming a member of  
9 the BSA and its Aloha Council and participating in its activities, resulting in the subject  
10 acts of sexual abuse described herein.

11 104. Defendants collectively breached their fiduciary and/or confidential  
12 relationship with the minor child R.G.M. by violating the trust and confidence placed in  
13 them by parishioners and/or members, and specifically by the minor child R.G.M., and  
14 by engaging in the wrongful acts described in this Complaint.

15 105. As a direct and proximate result of the Defendants' above - described  
16 conduct, R.G.M. has suffered, and continues to suffer, great pain of mind and body,  
17 shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation,  
18 and loss of enjoyment of life.

19 106. By engaging in the conduct described herein, Defendants acted with  
20 malice, oppression, and/or fraud, entitling R.G.M. to exemplary and punitive damages.

21 **IX. REQUEST FOR RELIEF**

22 **WHEREFORE**, Plaintiff R.G.M. requests judgment against all Defendants, both  
23 jointly and severally, on all counts as follows:

- 24 1. For all general, special, exemplary and punitive damages, as allowed by  
25 law in a sum to be proven at trial and in an amount not less than \$5,000,000.00;  
26 2. For costs and fees incurred herein;  
3. Attorneys' fees, as permitted by law; and

1 4. For other such and further relief as the Court may deem just and proper.

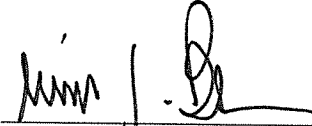
2 **X. DEMAND FOR JURY TRIAL**

3 Plaintiff R.G.M., through his undersigned counsel, hereby demands a jury trial of  
4 six (6) be sought to hear the above-entitled and enumerated action.

5 Respectfully submitted this 27 day of JANUARY, 2020.

6 **BERMAN O'CONNOR & MANN**

7  
8 By:



9 **MICHAEL J. BERMAN, ESQ.**

VERIFICATION

R.G.M. declares and states that he is the PLAINTIFF in the foregoing COMPLAINT; that he has read said VERIFIED COMPLAINT FOR DAMAGES and knows the contents thereof to be true and correct, except as to the matters which may have been stated upon his information and belief; and as to those matters, he believes them to be true.

I declare, under penalty of perjury, this 27<sup>th</sup> day of January, 2020, that the foregoing is true and correct to the best of my knowledge.

Rolof S. Mamilon  
R.G.M.

SUBSCRIBED and SWORN to before me, a notary public in and for Guam, this 27<sup>th</sup> day of January, 2020, by R.G.M.

Jennifer Banayat Quitugua  
NOTARY PUBLIC

**JENNIFER BANAYAT QUITUGUA**  
**NOTARY PUBLIC**  
In and for Guam, U.S.A.  
My Commission Expires: **APRIL 20, 2021**  
P.O. Box 5580, Hagatna, Guam 96932

